REMARKS

Claims 1-18 are pending. Claims 16-18 have been cancelled without prejudice. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-8 and 10-18 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Lincoln, U.S. patent No. 6,301,226. Lincoln discloses methods of adjusting cell transmission rates and turning forward resource management (FRM) cells into backward resource management (BRM) cells at source nodes and destination nodes in a network. The official action suggests that Lincoln teaches a system that modifies a second control cell (e.g., a backward RM cell) received on a second virtual channel associated with a destination node based on resource management data determined from a management event generated upon receipt of a first control cell received over a first virtual channel associated with a source node, citing figures 5-6, 12-14, the abstract, col. 7, line 5 to col. 10, line 27, and col. 16, line 43 to col. 22, line 67. Applicant respectfully disagrees and requests reconsideration.

Applicant has completely reviewed Lincoln and cannot find any teaching or suggestion of modifying a backward resource management cell received on a virtual channel associated with a destination node based on information in a another control cell received on a virtual channel associated with a source node. Lincoln does discuss turning FRM cells into BRM cells (see col. 7, lines 5-21, col. 10, lines 60-68), but modifying an FRM cell to make it into a BRM cell does not constitute modifying a second control cell as claimed because only a single virtual channel is involved instead of the two separate virtual channels as claimed.

In addition, when Lincoln does address handling of BRM cells, there is no indication that the BRM cell is being modified. For example, in figure 14b and at col. 20, lines 48-62, Lincoln addresses what to do when a selected cell is a BRM cell, but there is no suggestion or teaching that the BRM cell is modified in any way. Applicant respectfully requests clarification as to where precisely Lincoln teaches modification of a received BRM cell.

Claim 1 is directed to a method for controlling data cell transmission in a network, the method being implemented at a network element through which data cells are transferred between source and destination nodes of the network. This method includes modifying, in the network element, the second control cell using the first resource management data, which was determined by processing a management event generated upon receipt of the first control cell in the network element. The art of record fails to teach or suggest modifying a second control cell received on a second virtual channel associated with a destination node based on resource management data determined from a management event generated upon receipt of a first control cell received on a first virtual channel associated with a source node. The data cell transmission control techniques described and claimed in the present application provide faster handling of data cells (see the specification, for example, at page 9, line 23 to page 11, line 26). For all of these reasons, it is respectfully suggested that independent claim 1 should be allowable.

Regarding claims 2-8, these claims each depend from an allowable base claim for the reasons discussed above. As such, it is respectfully suggested that these claims should be allowable for at least this reason. Additionally, with respect

to claim 4, Applicant respectfully requests reconsideration of the suggestion that Lincoln discloses placing virtual channel identification data in a queue and removing the virtual channel identification data from the queue. The cited figures and sections of Lincoln actually refer to a table and not a queue. Moreover, the cited section (col. 6, line 61 to col. 7, line 4) makes clear that Lincoln is discussing processing that is occurring in the end stations A and B, and not to processing that is occurring in a network element, such as an ATM switch residing between the two end stations.

With respect to claim 6, in light of the discussion above, Applicant respectfully requests reconsideration of the suggestion that Lincoln inherently teaches forwarding the first control cell over the second virtual channel prior to determining the first resource management data. Additionally, Applicant respectfully requests clarification as to what "backward information" is being referred to in the official action.

With respect to independent claim 10, the cited sections of Lincoln (figures 2, 5 and 6, col. 4, lines 4-39, and col. 6, line 48 to col. 11, line 29) discuss a receive cell interface and a transmit cell interface. These interfaces do not constitute both source port circuitry operative to send and receive control cells on a source virtual channel, and destination port circuitry operative to send and receive control cells over a destination virtual channel in a single apparatus. These interfaces represent components of an end station (see col. 10, lines 39-59, and col. 11, lines 32-33).

The apparatus in Lincoln with both source port circuitry and destination port circuitry together in one apparatus is the switch 132 in figure 5, but the invention of Lincoln is

primarily directed to the end stations A and B, and thus Lincoln does not discuss details of the switch 132. The official action suggests that the switch 132 in figure 5 of Lincoln constitutes switch circuitry in an apparatus as claimed. Applicant respectfully points out that the switch 132 is a separate device in an ATM system and not a part of an apparatus as claimed in claim 10.

Additionally, the official action suggests that element 148 from figure 6 of Lincoln (figure 6 illustrates different aspects of the same basic system shown in figure 2) constitutes both management event circuitry and return cell circuitry as claimed. Applicant respectfully disagrees, and requests reconsideration in light of the discussion above in connection with claim 1. Claim 10 includes management event circuitry that computes resource management data by processing the control cells received from the source virtual channel, and return cell circuitry that modifies control cells received from the destination port circuitry based on the resource management data computed by the management event circuitry and provides the modified control cells to the source port circuitry for transmission over the source virtual channel. The art of record fails to teach or suggest an apparatus with the circuitry as claimed in independent claim 10. Thus, claim 10 should be allowable.

Regarding claims 11-15, these claims each depend from an allowable base claim for the reasons discussed above. As such, it is respectfully suggested that these claims should be allowable for at least this reason.

Regarding claims 16-18, these claims have been cancelled without prejudice.

Claim 9 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Lincoln in view of Jain, U.S. Patent No. 5,805,577. Claim 9 depends directly on claim 1 and incorporates all the limitations of this independent claim. Because Lincoln does not disclose the elements of claim 1, as discussed above, the suggested combination of Lincoln and Jain does not render claim 9 unpatentable. Thus, claim 9 should be allowable.

In view of the above remarks, therefore, all of the currently pending claims 1-15 should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please apply the $110 Petition for Extension of Time fee and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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